

1-1 By: Patrick, Campbell S.B. No. 97
1-2 (In the Senate - Filed November 12, 2012; January 28, 2013,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 28, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 3;
1-6 March 28, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Nelson	X		
1-10	Deuell	X		
1-11	Huffman	X		
1-12	Nichols	X		
1-13	Schwertner	X		
1-14	Taylor	X		
1-15	Uresti		X	
1-16	West		X	
1-17	Zaffirini		X	

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 97 By: Deuell

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to distributing or prescribing abortion-inducing drugs;
1-22 providing penalties.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 171, Health and Safety Code, is amended
1-25 by adding Subchapter C to read as follows:

1-26 SUBCHAPTER C. ABORTION-INDUCING DRUGS

1-27 Sec. 171.051. DEFINITIONS. In this subchapter:

1-28 (1) "Abortion" means the act of using, administering,
1-29 prescribing, or otherwise providing an instrument, a drug, a
1-30 medicine, or any other substance, device, or means with the intent
1-31 to terminate a clinically diagnosable pregnancy of a woman and with
1-32 knowledge that the termination by those means will, with reasonable
1-33 likelihood, cause the death of the woman's unborn child. An act is
1-34 not an abortion if the act is done with the intent to:

1-35 (A) save the life or preserve the health of an
1-36 unborn child;

1-37 (B) remove a dead, unborn child whose death was
1-38 caused by spontaneous abortion;

1-39 (C) remove an ectopic pregnancy; or

1-40 (D) treat a maternal disease or illness for which
1-41 a prescribed drug, medicine, or other substance is indicated.

1-42 (2) "Abortion-inducing drug" means a drug, a medicine,
1-43 or any other substance, including a regimen of two or more drugs,
1-44 medicines, or substances, prescribed, dispensed, or administered
1-45 with the intent of terminating a clinically diagnosable pregnancy
1-46 of a woman and with knowledge that the termination will, with
1-47 reasonable likelihood, cause the death of the woman's unborn child.
1-48 The term includes off-label use of drugs, medicines, or other
1-49 substances known to have abortion-inducing properties that are
1-50 prescribed, dispensed, or administered with the intent of causing
1-51 an abortion, including the Mifeprex regimen. The term does not
1-52 include a drug, medicine, or other substance that may be known to
1-53 cause an abortion but is prescribed, dispensed, or administered for
1-54 other medical reasons.

1-55 (3) "Final printed label" or "FPL" means the
1-56 informational document approved by the United States Food and Drug
1-57 Administration for an abortion-inducing drug that:

1-58 (A) outlines the protocol authorized by that
1-59 agency and agreed to by the drug company applying for authorization
1-60 of the drug by that agency; and

2-1 (B) delineates how a drug is to be used according
2-2 to approval by that agency.

2-3 (4) "Gestational age" means the amount of time that
2-4 has elapsed since the first day of a woman's last menstrual period.

2-5 (5) "Medical abortion" means the administration or use
2-6 of an abortion-inducing drug to induce an abortion.

2-7 (6) "Mifeprex regimen," "RU-486 regimen," or "RU-486"
2-8 means the abortion-inducing drug regimen approved by the United
2-9 States Food and Drug Administration that consists of administering
2-10 mifepristone and misoprostol.

2-11 (7) "Physician" means an individual who is licensed to
2-12 practice medicine in this state, including a medical doctor and a
2-13 doctor of osteopathic medicine.

2-14 (8) "Pregnant" means the female reproductive
2-15 condition of having an unborn child in a woman's uterus.

2-16 (9) "Unborn child" means an offspring of human beings
2-17 from conception until birth.

2-18 Sec. 171.052. ENFORCEMENT BY TEXAS MEDICAL BOARD.
2-19 Notwithstanding Section 171.005, the Texas Medical Board shall
2-20 enforce this subchapter.

2-21 Sec. 171.053. DISTRIBUTION OF ABORTION-INDUCING DRUG.

2-22 (a) A person may not knowingly give, sell, dispense, administer,
2-23 provide, or prescribe an abortion-inducing drug to a pregnant woman
2-24 for the purpose of inducing an abortion in the pregnant woman or
2-25 enabling another person to induce an abortion in the pregnant woman
2-26 unless:

2-27 (1) the person who gives, sells, dispenses,
2-28 administers, provides, or prescribes the abortion-inducing drug is
2-29 a physician; and

2-30 (2) the provision, prescription, or administration of
2-31 the abortion-inducing drug satisfies the protocol tested and
2-32 authorized by the United States Food and Drug Administration as
2-33 outlined in the final printed label of the abortion-inducing drug.

2-34 (b) Before the physician gives, sells, dispenses,
2-35 administers, provides, or prescribes an abortion-inducing drug,
2-36 the physician must examine the pregnant woman and document, in the
2-37 woman's medical record, the gestational age and intrauterine
2-38 location of the pregnancy.

2-39 (c) The physician who gives, sells, dispenses, administers,
2-40 provides, or prescribes an abortion-inducing drug shall provide the
2-41 pregnant woman with:

2-42 (1) a copy of the final printed label of that
2-43 abortion-inducing drug; and

2-44 (2) a telephone number by which the pregnant woman may
2-45 reach the physician, or other health care personnel employed by the
2-46 physician or by the facility at which the abortion was performed
2-47 with access to the woman's relevant medical records, 24 hours a day
2-48 to request assistance for any complications that arise from the
2-49 administration or use of the drug or ask health-related questions
2-50 regarding the administration or use of the drug.

2-51 (d) The physician who gives, sells, dispenses, administers,
2-52 provides, or prescribes the abortion-inducing drug, or the
2-53 physician's agent, must schedule a follow-up visit for the woman to
2-54 occur not more than 14 days after the administration or use of the
2-55 drug. At the follow-up visit, the physician must:

2-56 (1) confirm that the pregnancy is completely
2-57 terminated; and

2-58 (2) assess the degree of bleeding.

2-59 (e) The physician who gives, sells, dispenses, administers,
2-60 provides, or prescribes the abortion-inducing drug, or the
2-61 physician's agent, shall make a reasonable effort to ensure that
2-62 the woman returns for the scheduled follow-up visit under
2-63 Subsection (d). The physician or the physician's agent shall
2-64 document a brief description of any effort made to comply with this
2-65 subsection, including the date, time, and name of the person making
2-66 the effort, in the woman's medical record.

2-67 (f) If a physician gives, sells, dispenses, administers,
2-68 provides, or prescribes an abortion-inducing drug to a pregnant
2-69 woman for the purpose of inducing an abortion as authorized by this

3-1 section and the physician knows that the woman experiences a
3-2 serious adverse event, as defined by the MedWatch Reporting System,
3-3 during or after the administration or use of the drug, the physician
3-4 shall report the event to the United States Food and Drug
3-5 Administration through the MedWatch Reporting System not later than
3-6 the third day after the date the physician learns that the event
3-7 occurred.

3-8 Sec. 171.054. ADMINISTRATIVE PENALTY. (a) The Texas
3-9 Medical Board may take disciplinary action under Chapter 164,
3-10 Occupations Code, or assess an administrative penalty under
3-11 Subchapter A, Chapter 165, Occupations Code, against a person who
3-12 violates Section 171.053.

3-13 (b) A penalty may not be assessed under this section against
3-14 a pregnant woman who receives a medical abortion.

3-15 SECTION 2. This Act takes effect immediately if it receives
3-16 a vote of two-thirds of all the members elected to each house, as
3-17 provided by Section 39, Article III, Texas Constitution. If this
3-18 Act does not receive the vote necessary for immediate effect, this
3-19 Act takes effect September 1, 2013.

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